



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-31005-2025

Date of Decision : **09.03.2026**

JAGDISH JAGLAN AND ANOTHER

.....Petitioners

VERSUS

DISTRICT MAGISTRATE AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Akshay Jindal, Sr. Advocate assisted by
Mr. Vrishank Suri, and Mr. Pankaj Gautam, Advocates,
for the petitioners.

Mr. Jasbir Singh, Advocate,
for respondents no.3 and 4.

Mr. Pardeep Sehrawat, Advocate,
for respondent no.5.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, as cast under Article 226 of the Constitution of India, the petitioners, who are the father-in-law and mother-in-law of respondent no.3 and, grand-parents of respondent no.4 (minor), have challenged the legality of order dated 10.09.2025 (Annexure P-12), passed by the District Magistrate (respondent no.1), wherethrough, the appeal filed by respondents no.3 and 4, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was accepted.

2. Before this Court evaluate the legality of the impugned order, it is imperative to have a glimpse upon the sequence of litigation

between the parties:-

- (i) That aggrieved against the act and conduct of their children, the present petitioners, instituted a petition for ejectment of respondent no.3 to 5 under the Provisions of section 23 of the Senior Citizen Act read with rules framed there under before the learned District Magistrate, Jind (Annexure P-4), which was dismissed vide order dated 13.11.2019 (Anexure P-5), with the observation that the Civil Court is competent to take decision on the said application.
- (ii) The aforesaid order was challenged before this Court vide CWP-34543-2019, which was disposed of vide order dated 23.01.2024 (Annexure P-7), while remanding the matter to the learned Maintenance Tribunal, Jind, to decide the aforesaid application of the petitioners, afresh.
- (iii) Pursuant to the above directions, the matter was considered afresh by the learned Maintenance Tribunal, and finally the claim of the petitioners was rejected vide order dated 14.03.2024 (Annexure P-7). Upon filing an appeal against the said order, the matter was remanded back to the Prescribed-Authority-cum-SubDivisional Magistrate, Jind (the Maintenance Tribunal), for decision afresh vide order dated 29.11.2024 (Annexure P-8).
- (iv) Upon reconsideration of the matter afresh, the application of the petitioners stood accepted by the learned Maintenance Tribunal, Jind vide order dated 27.03.2025 (Annexure P-8) and respondents no.4 and 5, were ordered to be evicted from the house in question.
- (v) Feeling aggrieved against the order dated 27.03.2025, respondents no.4 and 5, preferred an appeal. The learned Appellate Authority, set aside the aforesaid order vide order dated 10.09.2025 (Annexure P-12), and respondents no.4 and 5, were authorised to continue living in on room of the house in question.
- (vi) Hence, the instant writ petition.

3. At the outset, this Court confronted the learned senior counsel for the petitioner with the judgement dated 15.12.2025, passed by a Division Bench of this Court in **“Babu Lal Sharma vs. Sushila Devi and others” LPA-701-2018, and other connected petitions**, and asked him to address arguments, as to how, the application against the daughter-in-law, seeking eviction is maintainable before the learned Maintenance

Tribunal.

4. Learned senior counsel though joined the issue of maintainability of the application before the learned Maintenance Tribunal concerned, however, he is unable to refer to any judgment, either of this Court or Hon'ble Supreme Court, where through, observation contrary to the judgement in **Babu Lal Sharma's** case (*supra*), has been made.

5. Further, the order dated 29.01.2024 (Annexure P-15), where through, respondent no.5, has been ordered to pay maintenance to respondent no.3, clearly reflects that there is a matrimonial dispute between respondents no.3 and respondent no.5.

6. In view of the above, this Court finds no reason to interfere into the well reasoned order, as passed by the learned District Magistrate-cum-Appellate Tribunal (respondent no.1). Accordingly, the instant petition is **dismissed**.

March 09, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No